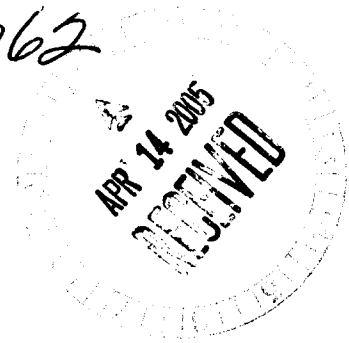


S.D # 01050414003002
213762



April 13, 2005

VIA U.P.S. OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

ENTERED
Office of Proceedings

APR 14 2005

Part of
Public Record

**RE: Docket No. AB-33(Sub-No.224X), Union Pacific Railroad Company
- Abandonment Exemption - - In Buffalo County, Nebraska
(Kearney Industrial Lead)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years, (49 C.F.R. 1152.50), enclosed are an original and ten (10) copies of a verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 224X). Enclosed is a check for \$3,000.00 for the filing fee. Three (3) computer disks, in Word format, are included for the Board's use.

Sincerely yours,

FILED

APR 14 2005

Enclosures

**SURFACE
TRANSPORTATION BOARD**

cc: All parties of record

O:\Abandonmetns\33-224STB-NOE-Ltr.doc

FILE RECEIVED
APR 14 2005
SURFACE
TRANSPORTATION BOARD

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 224X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BUFFALO COUNTY, NEBRASKA
(KEARNEY INDUSTRIAL LEAD)

FILE RECEIVED
APR 14 2005
SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FILED

APR 14 2005

SURFACE
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: April 13, 2005
Filed: April 14, 2005

ENTERED
APR 14 2005
FILED

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 224X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BUFFALO COUNTY, NEBRASKA
(KEARNEY INDUSTRIAL LEAD)

APR 14 2005
RECEIVED

NOTICE OF EXEMPTION

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Kearney Industrial Lead from milepost 3.01 to the end of the Line at milepost 3.75, a distance of 0.74 miles near Kearney in Buffalo County, Nebraska, (the "Line").

Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)

The abandonment is proposed to be consummated on or after June 2, 2005 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. The subject Line has not been used for freight traffic for at least two years. There is no overhead

traffic over the Line. After abandonment, the closest rail line would be the remaining portion of the Kearney Industrial Lead at milepost 3.01. The remaining portion of the Kearney Industrial Lead runs approximately three (3) miles to UP's Nebraska mainline, which is also in Kearney, Nebraska.

Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from milepost 3.01 to the end of the Line at milepost 3.75, a distance of 0.74 miles near Kearney, Buffalo County, Nebraska.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Code 68847.

(e)(4) Rural and Community Impact. The Line was constructed by the Kearney & Black Hills Railway Company in 1887 and 1890. The Line was built with 100-pound jointed rail. There appears to be no reasonable alternative to the

abandonment. UP received a request to purchase the land within the limits of the proposed abandonment from a local developer. UP approved the sale of the 16.77 acres with the understanding that an easement be reserved for railroad purposes until such time as the STB approved the abandonment and UP took the remaining steps necessary to consummate such abandonment. The sale closed effective November 18, 2003. The easement will need to be released when the abandonment is consummated.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. The title to the property in the proposed abandonment is primarily fee. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

Labor Protection

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen , 360 ICC 91 (1979).

Certifications

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

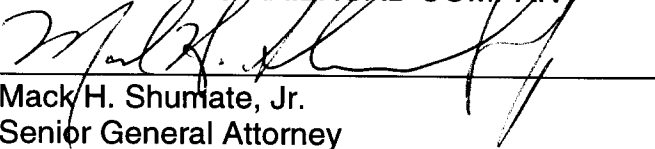
Environmental and Historic Report

A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report ("CEHR") containing the information required by 49 C.F.R. §§ 1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on November 1, 2004. This CEHR indicates that the proposed abandonment does not involve historic properties. Moreover, the Nebraska State Historical Society received the proposed abandonment and indicated in their response which is attached to the CEHR that the Society's records indicate that the project does not contain recorded historic resources and that the abandonment in the Society's opinion will have no effect on archeological, agricultural or historic properties.

Dated this 13th day of April, 2005.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

VERIFICATION

STATE OF NEBRASKA)

COUNTY OF DOUGLAS)

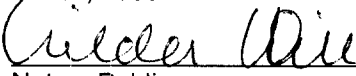
) ss:
)

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this 24th day of March, 2005.

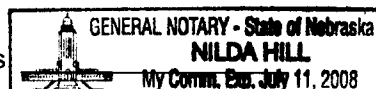

Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 24th day of
March, 2005.

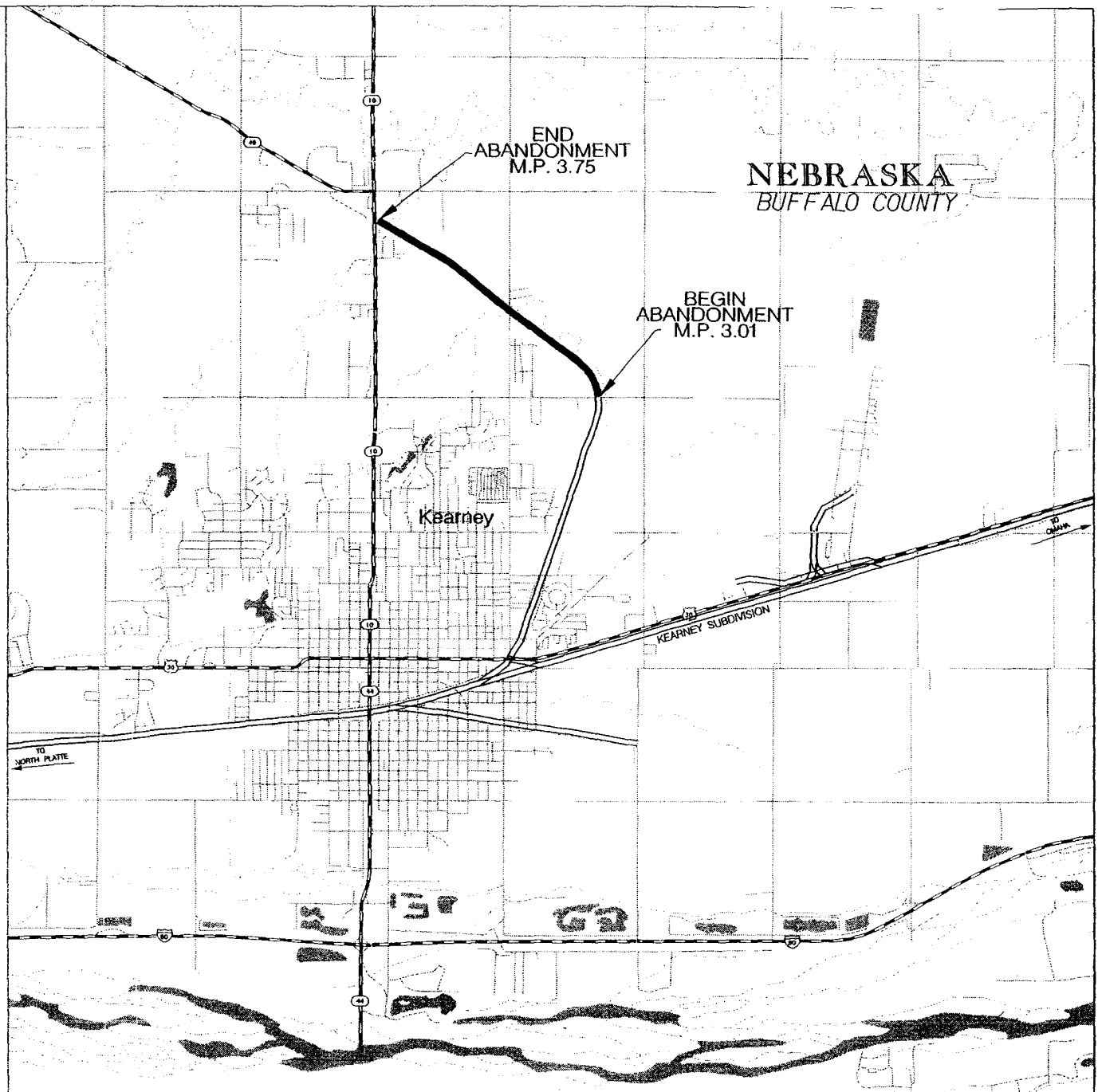


Notary Public

My Commission expires



O:\ABANDONMENTS\33-178X\VerRA.wpd



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

KEARNEY INDUSTRIAL LEAD

MP 3.01 TO MP 3.75
TOTAL OF 0.74 MILES
IN BUFFALO COUNTY, NEBRASKA

UNION PACIFIC RAILROAD CO.

KEARNEY INDUSTRIAL LEAD

KEARNEY, NEBRASKA

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0347_ Kearney.dgn

DATE: 21-Jul-04 10:11

DOCKET NO. AB-33 (SUB-NO. 224X)
Kearney Industrial Lead in Buffalo County, NE

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) - Notice

The undersigned certifies that on March 11, 2005 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure for discontinuance of service and trackage rights over the Kearney Industrial Lead in Buffalo County, Nebraska in Docket No. AB-33 (Sub-No. 224X).

Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Nebraska Public Service Commission
P. O. Box 94927
Lincoln, NE 68509-4927

William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U. S. Department of the Interior
National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

U. S. Department of the Interior
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U. S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors Building
14th Street and Independence Avenue
Washington, D.C. 20250

Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense
720 Thimble Shoals Blvd., Suite 140
Newport News, VA 23606-2574

49 C.F.R. § 1105.11 -

The undersigned certifies that on November 1, 2004 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to

49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 224X) for abandonment of the Kearney Industrial Lead in Buffalo County, Nebraska on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

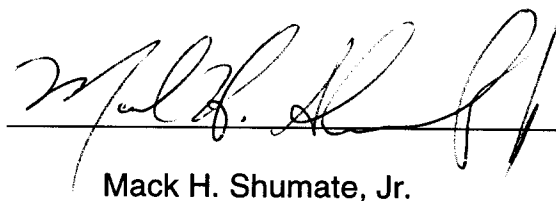
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 - Newspaper Notice

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Buffalo	<i>The Kearney Hub</i>	March 18, 2005

Dated this 13th day of April, 2005.


Mack H. Shumate, Jr.

FILE COPY



March 11, 2005

Nebraska Public Services Commission
P. O. Box 94927
Lincoln, NE 68509-4927

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N.W., #MS3540
Washington, D. C. 20240

U. S. Department of the Interior
National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

U. S. Department of the Interior
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Department of Agriculture
Chief of the Forest Service
4th Flr., N.W., Auditors Bldg.
14th Street & Independence Ave,
Washington, D. C. 20250

Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense
720 Thimble Shoals Blvd., Suite 140
Newport News, VA 23606-2574

**RE: Docket No. AB-33(Sub-No.224X), Union Pacific Railroad Company
Abandonment Exemption - In Buffalo County, Nebraska from M.P. 3.01 to
M.P. 3.75 (Kearney Industrial Lead)**

Dear Sirs:

This is notice that Union Pacific Railroad Company intends to abandon the Kearney Industrial Lead from Milepost 3.01 to the end of the Line at Milepost 3.75, a distance of 0.74 miles near Kearney, Buffalo County, Nebraska, (the "Line"). The Line traverses U.S. Postal Service Zip Code 68847. The proceeding will be docketed as No. AB-33 (Sub-No. 224X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and there is no overhead traffic on the rail Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after March 22, 2005.

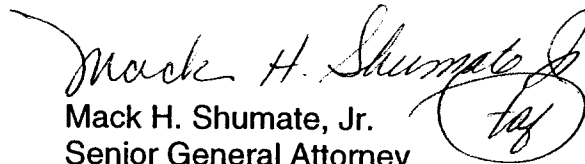
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fax. (312) 777-2065

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information.

Sincerely yours,


Mack H. Shumate, Jr.
Senior General Attorney

Enclosures



FILE COPY

November 1, 2004

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

**RE: Docket No. AB-33(Sub-No.224X), Union Pacific Railroad Company
- Abandonment Exemption - - In Buffalo County, Nebraska
(Kearney Industrial Lead)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after November 22, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

Enclosures

O:\ABANDONMENTS\33-224X\STB-EHR.wpd

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065